

REMARKS

This Amendment is being filed in response to the Final Action dated August 10, 2005. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 21-40 were pending in the application. In the Office Action, claims 21-40 were rejected. In this Amendment, claim 1 was amended. Claims 21-40 thus remain for consideration.

Applicant submits that claims 21-40 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§§ 102 and 103 Rejections

Claim 21 was rejected under 35 U.S.C. 102(e) as being unpatentable over Namdar (USPN D499,981).

Claims 22-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Namdar (USPN D499,981) in view of Kejejian (USPN 6,449,985).

Claims 38-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Namdar (USPN D499,981) in view of Kejejian (USPN 6,449,985), and further in view of Grossbard (USPN 4,555,916).

Applicant submits that independent claim 21 is patentable over Namdar, Kejejian and Grossbard either taken alone or in combination.

Applicant's invention as recited in the independent claim 21 is directed toward a mixed cut gemstone. For example, independent claim 21 specifies that the gemstone comprises a pavilion, four lower corner facets, two long side lower girdle facets, two short side lower girdle facets, a plurality of step cuts, and a plurality of rib lines. Claim 1 further specifies that (1) the steps are cut at a predetermined angle with respect to said lower girdle facets with each step being at a slightly different angle and (2) the different angles of the steps allows light that passes through the crown to hit the plurality of steps cuts at different angles thereby bending the light several times in different directions thus providing the gemstone with parallel incoming and outgoing rays of light that make the gemstone appear more brilliant and scintillated. Supporting disclosure for Applicant's steps can be found throughout the specification. (See, e.g., page 8, line 26 to page 9, line 15; and page 10, lines 10-19).

Namdar, Kejejian and Grossbard do not disclose (1) steps that are cut at a predetermined angle with respect to said lower girdle facets with each step being at a slightly different angle and (2) whereby the different angles of the steps allows light that passes through the crown to hit the plurality of steps cuts at different angles thereby bending the light several times in different directions thus providing the gemstone with parallel incoming and outgoing rays of light that make the gemstone appear more brilliant and scintillated.

Namdar discloses a design for a gemstone that has step cuts. Namdar however does not teach or suggest cutting the lower facets at different angles. Nor does Namdar teach or describe that the different angle cuts will allow light to pass through the crown and hit the plurality of steps cuts at different angles thereby bending the light several

times in different directions thus providing the gemstone with parallel incoming and outgoing rays of light that make the gemstone appear more brilliant and scintillated.

Kejejian and Grossbard do not disclose step cuts that are cut at a predetermined angle with respect to said lower girdle facets with each step being at a slightly different angle.

Since Namdar, Kejejian and Grossbard do not disclose (1) steps that are cut at a predetermined angle with respect to said lower girdle facets with each step being at a slightly different angle and (2) whereby the different angles of the steps allows light that passes through the crown to hit the plurality of steps cuts at different angles thereby bending the light several times in different directions thus providing the gemstone with parallel incoming and outgoing rays of light that make the gemstone appear more brilliant and scintillated, Applicant believes that the independent claim 21 is patentable over Namdar, Kejejian and Grossbard – taken either alone or in combination -- on at least this basis.

Claims 22-40 depend on claim 21. Since claim 21 is believed to be patentable over Namdar, Kejejian and Grossbard, claims 22-40 are believed to be patentable over Namdar, Kejejian and Grossbard on the basis of their dependency on claim 21.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

CONCLUSION

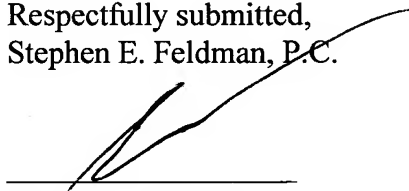
Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
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